UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	
Vascular Access Centers, L.P.,	Involuntary Chapter 11 Case No. 19-17117 (AMC)
Debtor.	
OF	RDER
AND NOW , this day of, 2	2021, in consideration of Vascular Access
Centers, LLC's and James F. McGuckin, M.D.'	s Motion for the Court to Consider the
Deposition of John E. Royer and Related Evide	nce on Remand from the District Court, and all
papers in support thereof and in opposition there	eto, it is hereby ORDERED that the Motion is
GRANTED and the Court's February 7, 2020 (Order appointing a trustee and accompanying
Memorandum decision are VACATED .	
	J.

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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Vascular Access Centers, L.P.,

Involuntary Chapter 11

Case No. 19-17117 (AMC)

Debtor.

VASCULAR ACCESS CENTERS, LLC'S AND JAMES F. MCGUCKIN, M.D.'S MOTION FOR THE COURT TO CONSIDER THE DEPOSITION OF JOHN E. ROYER, ESQUIRE AND RELATED EVIDENCE ON REMAND FROM THE DISTRICT COURT

Vascular Access Centers, LLC ("VAC LLC") and James F. McGuckin, M.D. ("Dr. McGuckin"), by their undersigned counsel, respectfully request that this Honorable Court vacate its February 7, 2020 Order appointing a trustee and accompanying Memorandum decision in light of recent Deposition Testimony of John E. Royer and Related Evidence that it was ordered to consider on remand from the District Court. As grounds for this Motion, VAC LLC and Dr. McGuckin aver as follows:

Introduction

1. New evidence refuting the conclusions underlying this Court's February 7, 2020 Order appointing a trustee only recently came into existence, and upon taking account of such evidence, as under the District Court's remand order, this Court should vacate its February 7, 2020 Order and accompanying Memorandum decision. While an appeal of this Court's February 7 Order was pending, a deposition was taken in a related action ("Deposition," encompassing both the transcript and its exhibits) that resulted in surprising, highly pertinent testimony. VAC LLC and Dr. McGuckin moved the District Court to supplement the appellate record, and the District Court, by its Amended Order and Memorandum of April 15, 2021 (filed

Case 19-17117-amc Doc 774 Filed 05/01/21 Entered 05/01/21 13:25:57 Desc Main Document Page 3 of 15

under seal and attached hereto as Exhibit "A"), remanded the appeal to this Court with a mandate for it to consider the Deposition. *See* Ex. A, District Court Memo. at 6 ("For the foregoing reasons, the Court denies Appellants' Motion for Leave to Supplement the Record, dismisses the appeal, and remands the case to the Bankruptcy Court to reconsider its order appointing a trustee in light of the testimony of Mr. Royer.")

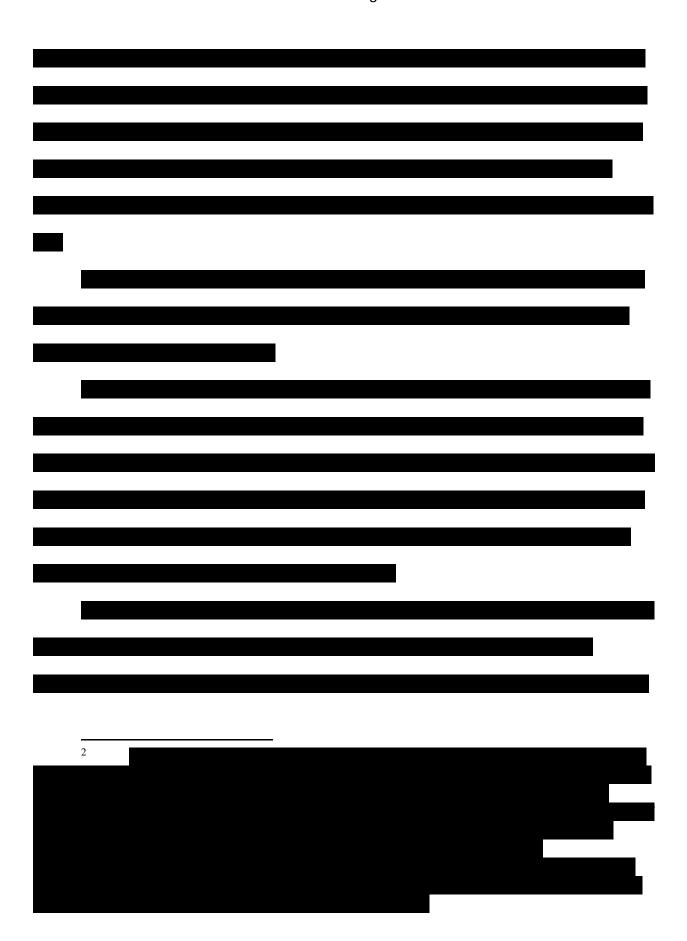
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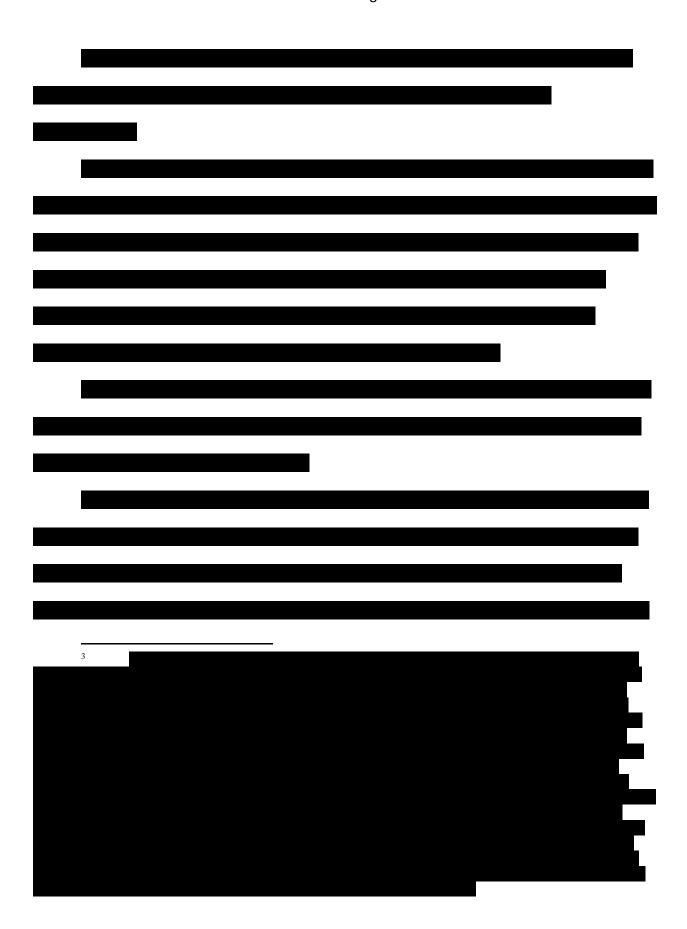
13.			

Factual Background	
VAC and Gardner's Motion.	
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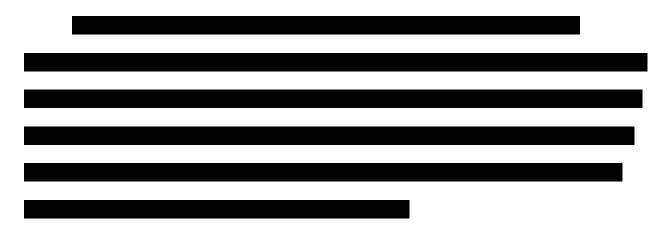
A demonstrative Exhibit, highlighting the relevant documentary evidence and juxtaposing same with testimony from the Royer deposition is attached as Exhibit "B."



Case 19-17117-amc Doc 774 Filed 05/01/21 Entered 05/01/21 13:25:57 Desc Main Document Page 8 of 15



Case 19-17117-amc Doc 774 Filed 05/01/21 Entered 05/01/21 13:25:57 Desc Main Document Page 13 of 15



WHEREFORE, upon reconsideration of the Court's February 7, 2020 Order in light of the Deposition, the Court should vacate that Order and the accompanying Memorandum decision.

Respectfully submitted,

BOCHETTO & LENTZ, P.C.

/s/ David P. Heim

By: _____

George Bochetto, Esquire David P. Heim, Esquire

Attorneys for VAC LLC and Dr. McGuckin

Dated: May 1, 2021

Case 19-17117-amc Doc 774 Filed 05/01/21 Entered 05/01/21 13:25:57 Desc Main Page 15 of 15 Document

CERTIFICATE OF SERVICE

I, David P. Heim, Esquire, hereby certify that the foregoing *Motion for the Court to* Consider the Deposition of John E. Royer, Esquire and Related Evidence on Remand from the District Court has been served on counsel of record in this matter by way of the Court's ECF system.

BOCHETTO & LENTZ, P.C.

Dated: May 1, 2021 By: /s/ David P. Heim, Esquire David P. Heim, Esquire